

Appl. No. 10/562,600  
Response to Restriction Requirement of March 21, 2008

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### REMARKS

This submission is in response to the Restriction Requirement mailed on March 21, 2008. Applicant elects species A of Group II, drawn to face layer selection, and has withdrawn claims 40, 41, 43 and 45, as indicated by the Examiner. Furthermore, Applicant has canceled the claims encompassing Group I (claims 4-7). At least claim 39 is generic. The election of species A of Group II is made with the following traverse.

Applicant respectfully requests that this Restriction Requirement be reconsidered, in light of the criteria for restriction described in MPEP § 803. According to this provision, the claims of an application may be properly required to be restricted only if:

- (i) the inventions therein are independent or distinct *and*
- (ii) if the search of all claims would pose a serious burden to the examiner.

Applicants believe that the present application does not meet the second criteria for restriction, as a search has been conducted by the United States Patent and Trademark Office acting as the International Searching Authority on all the claims in International Application No. PCT/US04/23032, from which the present application claims priority. The searched claims included all the method claims, except new claim 55, pending in the present application. This shows that a search for all the pending method claims would not pose a serious burden to the examiner, since a similar search had already been conducted by the USPTO. This international search report was submitted in an IDS as reference nos. DJ, DK and DL.

Claim 39 has been amended to improve its readability. No new matter has been added.

In light of the preceding, Applicant believes that the presently pending elected claims are in condition for allowance, early notice of which would be greatly appreciated. The Examiner is invited to telephone the undersigned attorney of record if he believes that such a call would materially advance the prosecution and eventual allowance of the present application.

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It is not believed that any fees are required with submission of this Response, since 4 claims were canceled and none is added, other than a fee for a one-month extension of time. However, if other fees are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefore are hereby authorized to be charged to The H.T. Than Law Group, Deposit Account No. 50-1980.

Respectfully submitted,

Date: May 21, 2008

  
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